

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2412 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MANISHKUMAR MANSUKHLAL RASOLI

Versus

LIC

Appearance:

MR PC MASTER for Petitioners

MR AK CLERK for Respondent No. 1 and 2

MR B.Y MANKAD, AGP for Respondent No. 3

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 19/09/96

ORAL JUDGEMENT

As the hearing of the petition progressed, a consensus is arrived at on both the sides and, accordingly, it is directed as under:-

The petitioners will make a representation to the respondent appointing authority for considering whether

they are eligible to compete for appointment to the Class IV posts in question under the scheme reflected in the instructions issued by the Chairman in terms of Regulation 8(1) of the Life Insurance Corporation of India (Staff) Regulations, 1960 more particularly under paragraph (VII) of that scheme, entitled "Consideration of Temporary employees for regular recruitment". Admittedly, the scheme reflected in these instructions had its roots in a statement which was made before the Supreme Court on behalf of the LIC to the effect that for the future adhoc appointments/regularisations the LIC was in the process of making a scheme consistent with the guidelines laid down in Piara Singh's case, so that this devise of employment for 85 days, which has not been approved, may not be resorted to in future. A copy of the order of the Supreme Court in which the statement was recorded (SLP [C] 10393 to 10413/92) is placed on the record. In that order dated 23rd October, 1992 the Supreme Court did not express any opinion on the question of law in view of the formula which was worked out for disposal of the matter. The learned Counsel for the petitioners state that the representation will be made by them on or before 30th September, 1996. On such representation being made, it is stated by the learned Counsel for the respondent Corporation that a decision will be taken in accordance with law within two weeks of the receipt of the representation, after hearing the petitioners. Until that is done the appointment orders on the basis of selection already made will not be issued. Should the decision of the respondent authority in the matter go against the petitioners, the petitioners can take recourse to law before an appropriate forum, but, the Corporation will be free to issue appointment orders of the candidates already selected. The petition is disposed of accordingly. Rule is discharged with no order as to costs. Ad-interim relief stands vacated.

The learned Counsel for the petitioners states that the petitioners would also like to approach the Employment Exchange to ensure that their names are forwarded as and when their turn reaches. The learned Counsel appearing for the Employment Exchange states that if such application or representation is made, the concerned Officers will consider the same and the petitioners' names will be forwarded in their turn. It is also stated that if any mistake is detected in the case of these petitioners, appropriate orders will be made by the concerned Officers.
